

Tenth Report of Successor Trustee and Petition for Its Settlement on Waiver of Account and to Terminate Trust With Consent of All Beneficiaries [Prob. C. 15403 (a), 15405, 15410(c), 17200(b)(4)-(5), & 17200(b)(13)]

		NEEDS/PROBLEMS/COMMENTS:
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
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	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		<u>CONTINUED TO 08/08/12</u> Per request of Counsel
		Reviewed by: JF
		Reviewed on: 07/02/12
		Updates:
		Recommendation:
		File 1 - Pomeroy

Amended Petition for Authority to Refinance Estate Real Property and for Authority to Begin Distribution from Individual Retirement Accounts to Pay Expenses of Conservatee

Age: 65 DOB: 07/09/47		DOUGLAS H. SHUMAVON , brother/Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. If the Petition is granted with authorization to begin disbursements of \$1,500.00 per month from conservatee's IRA accounts, this will result in an increase in the annual income of the estate by \$18,000.00. Accordingly, Bond should be increased to \$353,250.72 based on the Fourth Accounting. Bond Worksheet included in the file for reference. Note: It appears that the Fifth Account and Report of Conservator is now due. A status hearing regarding filing of the Fifth Account and Report of Conservator will be set as follows: <ul style="list-style-type: none"> Friday, 08/10/2012 at 9:00a.m. in Dept. 303 for the filing of the fifth account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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<input type="checkbox"/>	FTB Notice		

DOUGLAS H. SHUMAVON, brother, was appointed Conservator of the Person and Estate on June 23, 1997 and Letters were issued on June 24, 1997.

Petitioner states:

- The Conservatorship Estate includes two (2) parcels of real property as follows:
 - 508 Midvale, Mill Valley, CA (the "Mill Valley Property")
 - 1020 King Street, Santa Rosa, CA (the "Santa Rosa Property").
- The Mill Valley Property is subject to a mortgage in favor of Wells Fargo Bank with an outstanding principal balance as of April 2012 of \$75,246.61. The mortgage bears an interest rate of 5.50% per annum and is payable in monthly payments of \$1,380.88 excluding property taxes and insurance. The annual payments for property taxes and insurance are \$6,774.12 and \$789.60 respectively. The mortgage matures in September 2018. The Mill Valley Property is currently rented and the conservatorship estate presently receives \$2,700.00 per month net of the property management fees.
- The Santa Rosa Property is a four-plex and is subject to a mortgage in favor of Wells Fargo Bank with an outstanding principal balance as of May 8, 2012 of \$86,189.00. The mortgage bears an interest rate of 5.625% per annum and is payable in monthly payment of \$2,019.17 including property taxes and insurance. The mortgage matures in September 2018. The Santa Rosa Property units are currently rented and the Conservatorship estate presently receives \$3,500.00 per month net of the property management fees.

Continued on Page 2

4. Petitioner proposes to refinance the present outstanding principal balance of the Mill Valley Property with Wells Fargo Bank for a 10 year term at an interest rate not to exceed 3.75% per annum. The expected monthly payment after refinancing the Mill Valley mortgage will change to \$1,380.77 including amounts impounded for property taxes and insurance. The result is an increase in cash flow to the Conservatorship Estate of approximately \$7,500.00 per year.
5. Petitioner also proposes to refinance the present outstanding principal balance of the Santa Rosa Property with Wells Fargo Bank for a 10 year term at an interest rate not to exceed 4.25% per annum. The expected monthly payment after refinancing the Santa Rosa mortgage will change to \$1,481.20, including property taxes and insurance. The result is an increase in cash flow to the Conservatorship Estate of approximately \$6,500.00 per year.
6. Petitioner states that the monthly expenses relating to the care and maintenance of the Conservatee has increased due to the continuing deterioration in the Conservatee's condition and exceeds the net monthly income of the Conservatorship Estate resulting in a shortfall of cash to pay the expenses of the Conservatee. Refinancing the Mill Valley and Santa Rosa mortgages will result in additional cash to the Conservatorship Estate to meet expenses and is preferable to selling the properties because both properties are expected to appreciate in value compared with current market conditions and the loans can be repaid from current rental income. Petitioner proposes to execute notes in favor of Wells Fargo Bank to evidence the indebtedness and deeds of trust covering the Mill Valley Property and Santa Rosa Property to secure the notes to Wells Fargo Bank.
7. The Conservatorship Estate also includes two (2) individual retirement accounts for the benefit of the Conservatee (the "Franklin IRA" and "T. Rowe Price IRA"). Monthly distributions of benefits from these accounts have not commenced.
8. The present value of the Franklin IRA is \$12,348.23 (as of March 31, 2012) and the present value of the T. Rowe Price IRA is \$91,500.53 (as of May 17, 2012).
9. The current income of the Conservatorship Estate is insufficient to satisfy the ongoing expenses associated with the Conservatee's care and maintenance. The monthly cost of the Conservatee's care and maintenance has increased to approximately \$6,500.00 per month. In addition, the cost of the Conservatee's medical insurance is approximately \$250.00 per month. This does not include an allowance for incidental expenses associated with the Conservatee's care and maintenance. The net monthly rental income from the Mill Valley and Santa Rosa Properties is approximately \$2,200.00, after deducting the mortgages against the properties, property taxes and insurance. The Conservatee also receives benefits from Social Security of \$1,628.00 per month.
10. The monthly expenses for the Conservatee's care and maintenance exceed the income of the Conservatorship Estate by approximately \$2,450.00 per month. Taking into consideration the anticipated savings to the Conservatorship estate from refinancing the properties as proposed, the monthly expenses of the Conservatee will exceed the monthly income by \$1,200.00 per month.
11. Petitioner also proposes that distributions commence from the Conservatee's IRA accounts of at least \$1,500.00 per month if the Petitioner is authorized to refinance the Mill Valley and Santa Rosa Properties and \$2,500.00 per month if authority to refinance the properties is denied. Another benefit of commencement of distributions from the IRA's is that although distributions will be subject to state and federal taxes, the Conservatee has sufficient deductions to shelter the distributions from income taxation.
12. On 09/28/10, bond was increased to \$333,451.00. An increase in the bond may be required upon the grant of the authority requested in this Petition.

Continued on Page 3

Dept. 303, 9:00 a.m. Monday, July 9, 2012

Petitioner prays for an Order:

1. Authorizing Petitioner to refinance the outstanding principal balance of the mortgage secured by the Mill Valley Property by executing a note and deed of trust in favor of Wells Fargo Bank secured by the Mill Valley Property;
2. Authorizing Petitioner to refinance the outstanding principal balance of the mortgage secured by the Santa Rosa Property by executing a note and deed of trust in favor of Wells Fargo Bank secured by the Santa Rosa Property;
3. Authorizing Petitioner to begin the commencement of distributions from the individual retirement accounts held for the benefit of the Conservatee in the amount of at least \$1,500.00 per month if Petitioner is authorized to refinance the Mill Valley and Santa Rosa properties; or, if authority to refinance the Mill Valley and Santa Rosa properties is not granted, in the amount of at least \$2,500.00.

Atty Moeck, David M. (for Executor Edward L. Fanucchi)

Second and Final Account and Report of Personal Representative and Petition for Its Settlement, (2) for Ordinary and Extraordinary Attorney's Fees, (3) for Allowance of Statutory and Extraordinary Commissions, Costs, Reserve, and (4) for Final Distribution [Prob. C. 11623 and Cal. Rule of Court 7.70]

DOD: 8/4/2006		EDWARD L. FANUCCHI , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Disbursement schedule includes three separate check printing charges at approximately \$35.00 each. Disbursement schedules for both the first and second account lists approximately 165 separate disbursements. Court may require clarification as to why so many checks were needed. – Declaration of Executor filed on 5/31/12 states three check printing charges were incurred because the initial printing of checks was for 150, requiring the order of a second printing on that account. There was another checking account opened after the sale of the real property requiring another printing of checks for that account.
		Account period: 6/30/2008 – 2/29/2012	
Cont. from 060412		Accounting - \$742,111.52	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$734,480.96	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$183,832.73	
<input checked="" type="checkbox"/>	Inventory	Executor - \$5,867.06	
<input checked="" type="checkbox"/>	PTC	(remaining statutory. Executor was allowed \$9,261.35 at the first account)	
<input checked="" type="checkbox"/>	Not.Cred.	Executor x/o - \$1,000.00 (for sale of real property)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$5,867.06	
<input checked="" type="checkbox"/>	Aff.Mail	(remaining statutory. Attorney was allowed \$9,261.35 at the first account)	
	Aff.Pub.	Attorney x/o - \$1,000.00 (for sale of real property)	
	Sp.Ntc.	Costs - \$1,846.27 (filing fees, probate referee, certified copies, FedEx)	
	Pers.Serv.	Closing reserve - \$10,000.00	
	Conf. Screen	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Letters 11/6/06	Duillio Giovacchini- \$29,515.47	
	Duties/Supp	Italo Balbo - \$55,542.70	
	Objections	Carlo Balbo - \$55,542.70	
	Video Receipt	Rudy and Ramona Diaz - \$17,351.47	
	CI Report		
<input checked="" type="checkbox"/>	9202		
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	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice N/A		

Reviewed by: KT
Reviewed on: 7/2/12
Updates:
Recommendation:
File 3 - Giovacchini

1. **The first account included payments for expenses related to the decedent's Italian Estate. Minute order dated 10/2/2008 approving the first account stated "Attorney Fanucchi or Attorney Yengoyan not to pay Italian parties without a notice motion by the Court." Disbursement schedule includes a disbursement of \$735.00 to "Italian surveyor." Costs include \$41.87 FedEx certified copies to Italy and \$47.94 Wire Transfer Fees to Italy. Court may require clarification.** – Declaration of Executor filed on 5/31/12 states the Italian surveyor was needed in order to complete the sale of real property in Italy. There was no harm to any beneficiary, and he forgot that there had been an order of October 2, 2008. The Federal Express and wire transfer costs are simply normal costs in connection with the sale of reality in Italy.

Atty Rountree, L. Clarke (for paternal grandmother Kimberly Bird)

Atty Rusca, Rose Marie (for Petitioner/guardian/maternal grandmother Victoria Van Linge-Schuh)

Atty Bird, Seth (pro per Father)

Petition to Clarify Visitation

Age: 6 years DOB: 4/26/2006		VICTORIA VAN LINGE-SCHUH , guardian/maternal grandmother, is petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This matter was originally set for hearing on 7/23/12. Order shortening time advance the hearing to 7/9/12 with 5 days notice on all interested parties. 1. Need Order
		Petitioner was appointed guardian on 9/1/09.		
		Father: SETH BIRD		
		Mother: CHERISSE GILBERT		
Cont. from		Paternal grandfather: Kenneth Bird		
	Aff.Sub.Wit.	Paternal grandmother: Kimberly Bird		
✓	Verified	Maternal grandfather: Keith Gilbert		
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg	Petitioner states there is currently a visitation order dated 10/28/11 that is inconsistent with the visitation order dated 5/7/12. The inconsistency has created emotional turmoil for the minor because the police were summoned for the 6/8/12 exchange.		
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
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	Letters			
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	UCCJEA			
	Citation			
	FTB Notice			
Declaration of Petitioner states since the minor has been visiting with his father he has begun to wet the bed. The minor acts out in a violent way, especially, after visiting with his father. His father plays Mortal Combat and Black Ops-Call of Duty games with the minor. Petitioner feels these games are totally inappropriate for a 6 year old. When the guardian expressed concerns to Kimberly (paternal grandmother) and asked that the father not let the minor play violent video games she responded, "we can do whatever we want at our house and you can't tell me what to do."				
On day while picking up the minor from school he pulled a play knife out of his backpack and show us how you kill people by simulated slitting his throat. The knife was given to the minor by his father who allowed him to take it to school and apparently showed him how to use it.				
Please see additional page				
				Reviewed by: KT
				Reviewed on: 7/2/12
				Updates:
				Recommendation:
				File 4 - Gilbert

In addition, Petitioner has concerns about the father's fiancé, Kristin Brewer. Petitioner states she knows she has significant alcohol issues and knows that she transports the minor in her vehicle and on at least one occasion left the minor and her baby alone in her car. This traumatized the Cylis.

In the short time since the minor has been visiting with his father he has begun wetting the bed, acts out with violence and took a play knife to school.

Petitioner believes that the father is exercising poor judgment with his son and she believes as the minor's legal guardian she has a duty to protect the minor.

Petitioner requests the court modify the father's visits and require that they be supervised at all times and that if it is a third party supervisor that they sign and file with the court their agreement to abide by the guidelines for third party supervisor's (attached as exhibit G).

Petitioner would also ask that the court include a drug testing provision, that the father not use alcohol around the minor and that he attend NA classes at least twice per week and provide the court with proof of his NA attendance and the completion of the drug program he claims he completed in March 2011.

Note:

The guardian, Victoria Van Linge-Schuh and the paternal grandmother Kimberly Bird have an extensive visitation schedule that includes where the minor resides during the week, on weekends, holidays etc.

Visitation order per Order dated 10/18/11, in summary:

During the school year, Kimberly Bird (paternal grandmother), has visitation on the 2nd, 4th and 5th weekend of the month from Friday after school to Monday 9:00 (delivery at school). The visitation is extended to Tuesdays if Monday is a legal holiday.

Kimberly Bird (paternal grandmother) also has visits on alternating Tuesdays after school to Wednesdays (delivery at school).

Summer vacation Kimberly Bird and the guardian, Victoria Van Linge-Schuh have the minor with them on alternating weeks.

Holiday visits are also outlined in the visitation schedule.

Visitation order per Order dated 5/7/12, in summary:

Kimberly Bird (paternal grandmother) shall continue to have visitation with the minor on alternating weekends beginning after school on Friday (11:40 a.m.) until delivery to school on Monday morning at 8:10 a.m.

Father, Seth Bird, shall have visitation with the minor, every Tuesday after school (11:40 a.m.) until delivery to school on Wednesday morning at 8:10 a.m.

Father, Seth Bird is to be added to the emergency contact list along with Kimberly Bird with Kimberly Bird and Seth Bird given priority over all others.

All remaining orders not changed remained in full force and effect.

(1) Petition for Settlement of First and Final Accounting (2) and Final Distribution

DOD: 01/29/08 Cont. from 112811, 020612, 040212, 052112 <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;"></td><td style="width:15%;">Aff.Sub.Wit.</td><td style="width:10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td>✓</td><td>Inventory</td><td></td></tr> <tr><td>✓</td><td>PTC</td><td></td></tr> <tr><td>✓</td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>w/</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td>04/06/09</td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td>✓</td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td>x</td></tr> </table>		Aff.Sub.Wit.		✓	Verified		✓	Inventory		✓	PTC		✓	Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters	04/06/09		Duties/Supp			Objections			Video Receipt			CI Report		✓	9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice	x	<p>SHERRI VAUGHT, Administrator, is Petitioner.</p> <p>Supplemental Petition for Settlement of First and Final Accounting and Final Distribution filed 04/02/12 states:</p> <ol style="list-style-type: none"> The requirements of Revenue & Taxation Code § 480 have been satisfied by filing of a change of ownership statement with the County recorder or assessor. Notice is not required under PrC § 9202 (a) because the decedent did not receive Medi-Cal benefits, and 9202 (b) because no beneficiary is incarcerated. Petitioner sold the real property of the estate on 01/31/11 for a sale price of \$91,750.00. Notice of Proposed Action was given to decedent's heirs and consent was obtained from Victoria Rapp on 01/26/11. No objections to the sale were received. The sale resulted in net proceeds to the estate of \$8,777.17. Petitioner presents an amended Summary of Account as follows: <p>Account period: 04/06/09 – 03/01/12</p> <table style="width:100%;"> <tr> <td>Accounting</td> <td>-</td> <td>\$166,000.00</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$166,000.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$11,777.17</td> </tr> </table> <table style="width:100%;"> <tr> <td>Administrator</td> <td>-</td> <td>waives</td> </tr> <tr> <td>Attorney</td> <td>-</td> <td>waives</td> </tr> </table> <p>Distribution, pursuant to intestate succession, is to:</p> <table style="width:100%;"> <tr> <td>Sherri Vaught</td> <td>-</td> <td>\$5,888.58</td> </tr> <tr> <td>Victoria Rapp</td> <td>-</td> <td>\$5,888.58</td> </tr> </table>	Accounting	-	\$166,000.00	Beginning POH	-	\$166,000.00	Ending POH	-	\$11,777.17	Administrator	-	waives	Attorney	-	waives	Sherri Vaught	-	\$5,888.58	Victoria Rapp	-	\$5,888.58	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/21/12</u> Minute Order from 05/21/12 states: No appearances. The Court sets the matter for an Order to Show Cause Re: Sanctions and Failure to Appear on 07/09/12. The Court orders Daniel Bruce to be personally present with the administrator on 07/09/12.</p> <p>As of 06/29/12, the following notes remain:</p> <ol style="list-style-type: none"> The accounting is incomplete pursuant to Probate Code § 1061. The Accounting does not list receipts, distributions or other information required pursuant to Probate Code § 1061. Need revised accounting to include the relevant schedules (receipts/disbursements, etc.) or waiver of accounting from Victoria Rapp. Neither the Petition nor the Supplemental Petition state whether notice was given to The Franchise Tax Board as required per Probate Code § 9202 (c). <p>Reviewed by: JF</p> <p>Reviewed on: 06/29/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A - Vaught</p>
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Order to Show Cause Re: Sanctions and Failure to Appear

DOD: 01/29/08		<p>SHERRI VAUGHT, Administrator, filed a Petition for Settlement of First and Final Account and Final Distribution on 09/19/11.</p> <p>The matter has been continued 6 times since 11/01/11.</p> <p>Petitioner filed a Supplemental Petition for Settlement of First and Final Accounting and Final Distribution on 04/02/12.</p> <p>Minute Order from hearing on 05/21/12 set this matter for an Order to Show Cause and states: No appearances. The Court sets the matter for an Order to Show Cause re: Sanctions and Failure to Appear on 07/09/12. The Court orders Daniel Bruce to be personally present with the administrator on 07/09/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 06/29/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B - Vaught</p>	

5B

Atty Keeler, Jr., William J., of Garvey Schubert & Barer, Portland, Or (for Petitioner Dennis L. Thomas, Successor Co-Trustee)

Atty Ivy, Scott J., of Lang Richert & Patch (for Respondent Janette Courtney, Executor)

Atty Neilson, Bruce A. (by Association, for Respondent Janette Courtney, Executor)

Petition to Determine Validity of Trust Instruments; to Determine Title to Property; to Recover Trust Property; to Compel Trustee to Account and Report; Financial Elder Abuse (Prob. C. 17200, 850; W & I C 15657.5)

Ernest DOD: 2003		<p>DENNIS L. THOMAS, son, Beneficiary, and Successor Co-Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Ernest and Loretta Drummond were married and had no children together, but had seven children total from prior marriages: <ul style="list-style-type: none"> Ernest's children: SANDRA THOMPSON, JOANN DAWSON and [ERNEST] MICHAEL DRUMMOND, JR; Loretta's children: STEVEN THOMAS, DAVID THOMAS, DENNIS L. THOMAS (Petitioner), and JANETTE BURCH COURTNEY; Ernest and Loretta founded a successful hearing aid company called the DRUMMOND COMPANY (Drummond Co.); On 4/23/1992, Ernest and Loretta created the ERNEST L. DRUMMOND FAMILY TRUST ("Ernest Trust") (copy attached as Exhibit A); Schedule A to the Ernest Trust identifies and places into the Trust 2 parcels of real property, 2 bank accounts, 2 vehicles, 2 life insurance policies, an IRA, and 100% of the 30,000 shares of the Drummond Co. as property of the Ernest Trust; many of those assets remained in joint tenancy between Ernest and Loretta until Ernest's death, including the Drummond Co. shares; On 4/30/2003, Ernest and Loretta amended the Ernest Trust (copy of First Amendment attached as Exhibit B), in which both Ernest and Loretta agreed to make specific trust distributions of a 40-acre ranch and a liquor store in Mariposa to STEVEN THOMAS, son, and to provide all of Loretta's and Ernest's shares in the Drummond Co. to Dennis Thomas (Petitioner) free of trust upon the death of the survivor of Loretta and Ernest; <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/30/2012. Minute Order states Mr. Ivy requests a continuance.</p> <p>Note: Attorneys for Respondent Janette Courtney filed on 5/22/2012 a Notice of Association of Counsel indicating that Attorney Bruce A. Neilson is associated in as counsel for Janette Courtney.</p> <p>Note for background: Order Granting Ex Parte Application for Temporary Restraining Order signed on 11/29/2011 orders Janette Courtney, Executor [appointed with full IAEA without bond on 9/15/2011], is restrained from transferring, selling, encumbering, leasing or granting any other interest in the real property located in Visalia to Tad Edwards or his assignee, or otherwise committing the acts described in the Notice of Proposed Action dated 10/25/2011 absent the supervision and order of this Court.</p> <p>1. Need proposed order.</p>
Loretta DOD: 6/9/2011			
Cont. from 020712, 043012			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
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Letters	091511		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Post			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petitioner states, continued:

- Upon Ernest's death in 2003, the **Ernest Trust** was divided into 2 sub-trusts, the Marital Trust ("**Survivor's Trust**") and Family Trust ("**Decedent's Trust**"); pursuant to the terms of the **Ernest Trust**, 50% of the shares of the Drummond Co. were held in Decedent's **Trust** after Ernest's death;
- Pursuant to the **Ernest Trust**, Petitioner is currently the acting Trustee of both the Survivor's **Trust** and Decedent's **Trust**, with the principal place of administration of both trusts being in Fresno County;
- On 8/11/2005, Loretta created the **LORETTA M. DRUMMOND "S TRUST"** ("**S Trust**") (copy attached as Exhibit C); Schedule A to the **S Trust** identifies 27,000 shares of the Drummond Co. as property of the **S Trust**, and the terms of this trust permit the subsequent addition of property to the trust;
- At the time of the **S Trust** creation, Loretta and Janette (Respondent) knew and/or through the exercise of reasonable care should have known that up to ½ of the 27,000 shares of the Drummond Co. stock were assets of the irrevocable **Decedent's Trust**;
- On 3/1/2007, Loretta amended the distribution scheme of the **S Trust** to provide for equal shares of the trust estate to be distributed to all seven of the Drummond children (copy of First Amendment to the **S Trust** attached as Exhibit D); [Examiner's Note: While ¶ 11 of the Petition states the amendment to the **S Trust** provided for equal shares of the trust estate to be distributed to "all seven" children, it appears from the copy of the First Amendment to the **S Trust** that distribution of the trust property was to be made to Janette Burch, David A. Thomas, Joann E. Dawson and Sandra L. Thompson only.]
- Pursuant to the **S Trust**, Janette Burch Courtney is the acting trustee of the **S Trust**, and the principal place of its administration is **Cincinnati, OH**;
- During Ernest's life, Petitioner worked at the Drummond Co. and while doing so acquired a **10% interest** in the company from Ernest and Loretta with the understanding and promise that he would inherit control of the Drummond Co. upon Ernest's death; Petitioner believed he would receive the additional shares of the Drummond Co. necessary for control from a trust established by Ernest;
- Upon Ernest's death, Petitioner was informed by Janette that Ernest had never established the trust he expected and she stated Ernest had attempted to establish a trust but that the trust did not actually exist because it had never been funded;
- Despite repeated requests to both Loretta and Ernest, Petitioner was unable to obtain a copy of the **Ernest Trust** from Janette until after Loretta's death;
- Although Petitioner believed that Ernest and Loretta had intended to leave the Drummond Co. to him upon Ernest's death, Janette indicated that because the shares in the Drummond Co. were held in joint tenancy between Ernest and Loretta, Loretta had become the owner of **90%** of the shares of the Drummond Co. through right of survivorship and was free to place those share into the **S Trust**;
- Janette, as Trustee of the **S Trust**, called a meeting of the shareholders of the Drummond Co. and by voting the shares of the Drummond Co. held in the **S Trust** and by acting as a majority shareholder, Janette removed Petitioner as an officer of the Drummond Co. and installed herself as president of the company;
- Petitioner subsequently left the employ of the Drummond Co., and after his departure, Janette offered to buy Petitioner's **10%** interest in the Drummond Co., demanding that Petitioner waive any interest in the Drummond Co. under both Ernest's and Loretta's estate plans, claiming that such waiver was necessary because there was a possibility she would sell the company and potential buyers might offer a lower price if they believed a conflicting claim to the company existed; in order to ensure Petitioner accepted her offer, Janette also raised a number of potential claims that the Drummond Co. could have against Petitioner and his wife, **MELANIE THOMAS**, at the time related to their tenures as employees of the Drummond Co.;

~Please see additional page~

Petitioner states, continued:

- A *Settlement Agreement Regarding Disputed Legal Matters* (attached as Exhibit E) was entered into by Petitioner, his wife, Janette, Loretta, the Drummond Co. and **SAUNDRA SOUSA**, Loretta's sister and the person who had actually been operating the Drummond Co. during Janette's tenure as president; the *Settlement Agreement* pertained to the various claims held or potentially held by the parties;
- Petitioner believes that as part of the settlement contemplated by that agreement, Petitioner and Janette also executed a stock purchase agreement that transferred Petitioner's **10%** interest in the Drummond Co. to Janette as Trustee of the **S Trust**; in the stock purchase agreement, Janette warranted that "Buyer has full power and right to enter into this Agreement and to purchase Seller's interest in the company;" Loretta signed the agreement as the owner of the Drummond Co. (copy of stock purchase agreement attached as Exhibit F);
- In June 2011, Petitioner was finally able to obtain copies of the **Ernest Trust** and its *First Amendment*; Petitioner was unaware until that time that the claims set forth in the *Petition* existed or were legally supported;
- After reviewing the **Ernest Trust** and its *First Amendment*, Petitioner first learned that upon the death of Ernest, Petitioner should have become a vested remainder beneficiary in a majority of the shares of the Drummond Co. despite Janette's statements and Loretta's actions to the contrary;
- Petitioner will file contemporaneously with this petition a complaint for damages and rescission in Fresno County Superior Court on the basis of these same facts. [Note: Civil case filed 12/29/2011 in Case #11CECG04320; first amended complaint filed 1/25/2012.]

Petition requests the Court determine the validity of the Ernest Trust on the following additional bases:

- Petitioner believes Ernest and Loretta executed the **Ernest Trust** and its *First Amendment* so as to ensure that all of their shares in the Drummond Co. distributed to Petitioner upon the death of the survivor of the two;
- Petitioner further believes that despite the fact that the shares were held in joint tenancy between Ernest and Loretta until Ernest's death, the declaration contained in the **Ernest Trust** that Ernest and Loretta "hereby transfer and deliver to the Trustees and their successors the property listed in Schedule A" was sufficient to fund the **Ernest Trust** pursuant to Heggstad because **100%** of the Trustors' shares of the Drummond Co. were listed in *Schedule A*;
- Petitioner asserts that the **Ernest Trust** and the *First Amendment* thereto are valid, binding, and enforceable trust instruments.

Petition requests the Court determine the [in]validity of the S Trust on the following additional bases:

- Petitioner believes the **S Trust** was executed in August 2005, after Ernest's death;
- **Improper funding:** Petitioner believes that due to the operation of the **Ernest Trust** and its *First Amendment*, Loretta did not have possession of or legal title to the 27,000 shares listed in *Schedule A* of the **S Trust**;
 - Petitioner believes that due to the operation of the **Ernest Trust** and its *First Amendment*, 100% of the shares of the Drummond Co. were set aside to be distributed to Petitioner free of trust upon the death of Loretta;
 - Ernest had often told Petitioner and his siblings, including Janette, that Petitioner would receive control of the Drummond Co. upon his death;
 - Because Loretta did not have possession of or legal title to the 27,000 shares listed in *Schedule A* to the **S Trust**, the **S Trust** and/or Janette as Trustee of the **S Trust** never acquired possession of or legal title to any of the Drummond Co. shares owned by the **Ernest Trust**; because the **S Trust** was never funded with shares in the Drummond Co., the **S Trust** is invalid insofar as it purports to control the distribution of any shares in the Drummond Co.;

~Please see additional page~

- **Undue Influence:** Petitioner believes that the entirety of the **S Trust** is invalid because Loretta executed the **S Trust** as a result of undue influence on the part of Janette;
 - Petitioner believes that Janette and Loretta were in a confidential relationship because they were mother and daughter, because Janette principally handled her mother's affairs, and because Janette had a durable power of attorney over Loretta at that time;
 - Petitioner believes that Loretta was susceptible to undue influence because she suffered from acute alcoholism and was frequently intoxicated or suffering from the effects of alcohol withdrawal;
 - Petitioner believes Janette was active in the procuring of the **S Trust** because Janette was principally in charge of Loretta's affairs, and because, due to Loretta's intoxication or other illness, Loretta could not have driven herself to an attorney's office, secured her own transportation, or otherwise interacted with an attorney without Janette's assistance;
 - Petitioner believes Janette unduly benefitted under the terms of the **S Trust** because the **S Trust** allowed for Janette to vote Petitioner off of the board of the Drummond Co. and to install herself as president of the company, reaping the benefits of that position; in addition, had the **S Trust** never been executed, the shares of the Drummond Co. would have been distributed to Petitioner pursuant to the intent of both Loretta and Ernest.

Petition for Relief under Probate Code § 850 Against Janette Burch Courtney as Trustee of the S Trust:

- Petitioner believes that Janette is in possession of either shares of the Drummond Co., proceeds from the sale of shares of the Drummond Co., or some combination thereof;
- Petitioner believes that those shares or the proceeds from the sale thereof are properly the property of the **Ernest Trust** and/or Petitioner acting as Trustee of the **Ernest Trust**;
- Petitioner seeks an order of the Court that Janette Burch Courtney transfer to Petitioner or otherwise hold in constructive trust for Petitioner any shares of the Drummond Co. and/or any funds derived from the sale of any and all funds and assets Janette has wrongfully removed from the Drummond Co.

Petition to Compel Trustee to Account and Report Against Janette Burch Courtney as Trustee of the S Trust:

- Petitioner alleges there is sufficient basis to compel Janette to render a complete account and report of her administration of the **S Trust** for the period of 8/11/2005 to the present, including the activities of the Drummond Co.;
- Petitioner requests the Court order Janette to include in her account and report her administration of any shares in the Drummond Co.

Petition for Financial Elder Abuse Against Janette Burch Courtney, individually and as Trustee of the S Trust:

- At all times relevant to this action, Loretta was aged 65 or older;
- Loretta created the **S Trust** with Janette's assistance and at Janette's direction; absent Janette's conduct, Loretta would not have so acted;
- Petitioner alleges that through Janette's assistance and by Janette's direction, 27,000 shares in the Drummond Co. were effectively put at Janette's disposal; Janette knew or should have known that her assistance in taking, secreting, misappropriating, obtaining, and/or retention of Loretta's property was likely to be harmful to Loretta, and that, by depriving Loretta of her shares, her conduct did in fact cause Loretta harm;
- Petitioner alleges that Janette's conduct constituted financial abuse under Welfare & Institutions Code § 15657.5 as defined in Welfare & Institutions Code § 15610.30.

~Please see additional page~

Petitioner prays for an Order from the Court finding that:

1. The **Ernest Trust** is a valid and enforceable declaration of trust;
2. The *First Amendment* to the **Ernest Trust** is a valid and enforceable amendment to the **Ernest Trust**;
3. Any provision of the **S Trust** that relates to or that purports to control the distribution of any shares of the Drummond Co. is invalid;
4. The entirety of the **S Trust** is invalid due to undue influence;
5. That Janette Burch Courtney, as Trustee of the **S Trust**, holds any shares of the Drummond Co. or any proceeds from the sale thereof in constructive trust for the benefit of Petitioner Dennis L. Thomas;
6. That Janette Burch Courtney, as Trustee of the **S Trust**, is ordered to immediately transfer any shares of the Drummond Co. or any proceeds from the sale thereof to Petitioner Dennis L. Thomas;
7. That Janette Burch Courtney, as Trustee of the **S Trust**, is ordered to file and serve a complete account and report of her administration of the **S Trust** for the period of 8/11/2005 to the present and return all funds and assets taken from the Trust and/or the Drummond Co.;
8. That Petitioner is awarded general damages in an amount according to proof;
9. That Petitioner is awarded special damages in an amount according to proof;
10. That Petitioner is awarded punitive damages in an amount sufficient to punish and deter similar conduct; and
11. That Petitioner is awarded costs and reasonable attorneys' fees.

Response to Petition to Determine Validity of Trust Instruments; to Determine Title to Property; to Recover Trust Property; to Compel Trustee to Account and Report; for Financial Elder Abuse; and Request for Abatement per Probate Code § 854 filed on 1/30/2012 by Contestant Janette Courtney, in her individual capacity, and in her capacity as Executor, and as Trustee of the Loretta M. Drummond "S" Trust, states:

- The *Petition* asserts various and serious allegations against her, most of which, if not all, are based upon allegations asserted on "information and belief" that are not sufficient evidence to support the relief granted in the *Petition*;
- Moreover, the *Petition* admits that Petitioner has also filed a civil action in Fresno County Superior Court (Case No. 11CECG04320) "on the basis of these same facts" as alleged in the *Petition*;
- Contestant cites the following: Pursuant to Probate Code § 854, the Probate Court, "upon request of any party to the civil action **shall abate the petition** until the conclusion of the civil action." Pursuant to Probate Code § 856.5, the Court "may not grant a petition under this chapter if the court determines the matter should be determined by a civil action." Pursuant to Probate Code § 852, any interested party may request a continuance to conduct discovery proceedings, or for other preparation for the hearing.
- The nature and complexity of the allegations set forth in the *Petition*, and the fact that almost all of the allegations are based upon "information and belief" not sufficient to support the granting of the *Petition* in any event, make it clear that these factual issues will be the subject of [extensive] and time-consuming discovery in the pending civil action;
- **Accordingly, Contestant requests that the Court deny the *Petition* pursuant to Probate Code § 856.5;**

~Please see additional page~

Janette Courtney's Response to Petition to Determine Validity of Trust, continued:

- Given that the *Petition* admits Petitioner is seeking relief "on the basis of the same facts" as those alleged in the pending civil action, **Contestant requests that this Court abate this action and this *Petition* until the conclusion of the civil action pursuant to Probate Code § 854;**
- If the Court declines to abate or deny the *Petition* as requested above, **Contestant requests that the Court continue the hearing on the *Petition* for a minimum of 180 days pursuant to Probate Code § 852 to allow Contestant to conduct sufficient discovery to defend against the numerous and very serious claims that are currently all asserted simply upon "information and [belief]."**

Contestant requests:

1. The Court deny the *Petition* pursuant to Probate Code § 856.[5] on the grounds that the matter should be determined in the currently pending civil action;
2. Alternatively, and only if the Court declines to dismiss the *Petition* pursuant to Probate Code § 856.5, the Court issue an order pursuant to Probate Code § 854 abating the *Petition* until the conclusion of the civil court action;
3. Alternatively, and only if the Court declines to dismiss and/or stay the *Petition* pursuant to Probate Code §§ 856.[5] and 854 as prayed, the hearing on the *Petition* be **continued for a minimum of 180 days** [pursuant to Probate Code § 852] to allow Contestant to conduct discovery and otherwise prepare for the hearing.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 06/09/2011	JOHN M. ROMERO , son is petitioner and requests appointment as executor without bond.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner requests appointment as executor, however there is no will. Petitioner should request appointment as administrator. 2. #5a(1) or #5a(2) of the Petition regarding spouse was not answered. 3. If no spouse then #5a(2)(a) or #5a(2)(b) regarding divorced or deceased spouse must be completed. 4. #5a(7) or #5a(8) regarding issue of predeceased child was not answered. 5. Need Affidavit of Publication. Note: If the petition is granted status hearings will be set as follows: • Friday, 12/14/2012 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 09/13/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Full IAEA - ?	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence: Fresno	
<input type="checkbox"/> Notice of Hrg	Publication: Needed	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.	x	
<input type="checkbox"/> Sp.Ntc.	Estimated value of the Estate:	
<input type="checkbox"/> Pers.Serv.	Personal property - \$0	
<input type="checkbox"/> Conf. Screen	Real property - \$0	
<input checked="" type="checkbox"/> Letters	Total: - \$0	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Probate Referee: Rick Smith	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Atty Niebel, Alan D. (of Merced for Elisa Kraft – Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 03/01/12		ELISA KRAFT , surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings.	
Cont. from		Decedent died intestate.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

No other proceedings.

Decedent died intestate.

Petitioner states that she is the surviving spouse of the decedent. Petitioner attaches a copy of a marriage certificate showing that she and the decedent were married on 03/06/76. Petitioner states that during their marriage, the decedent became employed as a pharmacist with the County of Fresno. At that time the decedent elected to participate in the County's Deferred Compensation Plan and made contributions to the plan with his earnings throughout the marriage. After the decedent's death, Petitioner learned that the decedent named his father, Harold Kraft, as the beneficiary to his Plan account. Harold Kraft died on 02/02/1992.

The Petitioner contends that: 1) all monies used to fund the Plan account were community property, 2) the Petitioner did not consent to the decedent having named his father as the designated beneficiary to his Plan account, and 3) the Petitioner did not waive her right to receive any property that would pass to her from the decedent by intestate succession.

Petitioner seeks an order from the Court confirming Petitioner's ½ community property ownership interest in the Plan account and determining that the decedent's ½ community property interest passes.

Reviewed by: JF
Reviewed on: 07/02/12
Updates:
Recommendation:
File 8 - Kraft

Atty Dornay, Val J. (for Elena Cuevas, Emelda Lowe, Ignacio Navarro, Jr., Jessie Mary Medina, Alice Navarro, Salvador Navarro – Petitioners)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 02/19/12		ELENA CUEVAS, EMELDA LOWE, IGNACIO NAVARRO, JR., JESSIE MARY MEDINA, ALICE NAVARRO, and SALVADOR NAVARRO, daughters and sons, are Petitioners. 40 days since DOD. No other proceedings. I & A - \$70,000.00 Decedent died intestate. Petitioners request court determination that decedent's 100% interest in real property located at 1705 N. Vagedes, Fresno pass to them pursuant to intestate succession.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition is marked at item 5 that the decedent died intestate; however, item 15 of the Petition is marked that the names and addresses of all persons named as Executors in decedent's Will are listed in Attachment 15, and Attachment 15 names Elena Cuevas, Emelda Lowe, and Ignacio Navarro, Jr. Need clarification.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 07/02/12 Updates: Recommendation: File 9 - Navarro	

Amended Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

Age: 14 DOB: 10/30/97		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		CHRISTINA ROBERTS , mother, is Petitioner.		1. Need UCCJEA.	
		Father: MICHAEL ROBERTS – deceased		Note: If the petition is granted status hearings will be set as follows:	
Cont. from		Paternal grandfather: KENNETH ROBERTS – served by mail on 06/14/12 Paternal grandmother: CHARLOTTE ROBERTS – served by mail on 06/14/12		<ul style="list-style-type: none"> Friday, 08/24/2012 at 9:00a.m. in Dept. 303 for filing of Receipts of Blocked Account Friday, 11/16/2012 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; and Friday, 09/13/2012 at 9:00a.m. in Dept. 303 for the filing of the first account. 	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report	n/a			
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA	x			
	Citation				
	FTB Notice				
		Maternal grandfather: GARY DAWSON – served by mail on 06/14/12 Maternal grandmother: SIGRIED OLIPHANT – deceased			
		Sibling: JESSICA ROBERTS (age unknown) – served by mail on 06/14/12			
		Petitioner states that the minor is a beneficiary of insurance policies on father Michael Robert, who died on 02/24/12. The Insurance companies will not issue proceeds without a guardianship of the estate. The minor is developmentally disabled. Petitioner will deposit all proceeds into a blocked account. The minor is also to receive a 50% interest in real property from her father's estate. Minor was receiving SSI until she began receiving Survivor's benefits after her father's death.		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
		ESTIMATED VALUE OF THE ESTATE: Personal property - \$294,568.00 Real property - 55,000.00 Total - \$349,568.00		Reviewed by: JF Reviewed on: 07/02/12 Updates: Recommendation: File 10 - Roberts	

Petition for Appointment of Temporary Guardianship of the Person

Nathaniel Collins Age: 1 DOB: 07/25/2010		TEMPORARY EXPIRES 07/09/2012 GENERAL HEARING 08/21/2012	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Nathaniel Comenger (Father) Angelina Collins (Mother) 	
Malachi Collins Age: 1 DOB: 06/30/2011				
Cont. from		LANA PRATT , maternal grandmother, is petitioner Father: NATHANIEL COMENGER Mother: ANGELINA COLLINS Paternal grandfather: Kurt Ricardo Paternal grandmother: Not Listed Maternal grandfather: Not Listed Petitioner alleges: On, April 23, 2012, after CPS went to mother's home regarding allegations of physical abuse the children were placed with the Petitioner. Petitioner sought financial assistance through DCSS. Once mother found out that she would no longer be receiving money for the children she went to the Petitioner's home with police and retrieved the children. While the children were in the Petitioner's care she took them to the doctor, got them updated on their shots and began medical testing for the eldest child as he is behind in his speech. Petitioner has heard from family members that the mother hits the children with magazines, throws them off beds, ignores them when they are hungry and has thrown one child against the wall.		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT / LV Reviewed on: 07/02/2012 Updates: Recommendation: File 11 - Collins	

Age: 15 DOB: 07/23/1996		TEMPORARY EXPIRES: 07/09/2012		NEEDS/PROBLEMS/COMMENTS:	
		GENERAL HEARING: 08/27/2012			
		JOSE & CAROLINA GARCIA , maternal grandparents are petitioners		1. Petitioners Fee Waiver was denied on 06/25/2012. Filing fee of \$265 is due (\$40 for temporary and \$225 for general petition).	
Cont. from		Father: GUADALUPE HERNANDEZ		2. Need Notice of Hearing	
	Aff.Sub.Wit.			3. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
✓	Verified	Mother: PATRICIA GARCIA		<ul style="list-style-type: none"> Guadalupe Hernandez (Father), if court does not dispense with notice as requested Patricia Garcia (Mother), if court does not dispense with notice as requested Adrian Raudel Hernandez, 15 (Minor) 	
	Inventory	Paternal grandparents: Unknown		4. Waiver of Notice filed 06/29/2012 for Adrian Raudel Hernandez, however it is not on the Mandatory Judicial Council form GC-211.	
	PTC				
	Not.Cred.				
	Notice of Hrg	x	Petitioner alleges: Mother has no permanent address, she and the child have resided with the Petitioner's since the child was born. Mother has been irrational and violently attacked her mother, the petitioner. Police removed the mother from the petitioner's home. Minor does not want to live with his mother due to her drug abuse. Petitioners fear that the mother will come and take the child.		
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order				
	Aff. Posting			Reviewed by: KT / LV	
	Status Rpt			Reviewed on: 07/02/2012	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 12 - Hernandez	

Atty Barrus, John E., of Barrus & Roberts (for Jesus Torres, Executor)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 10/25/2006		<p>JESUS TORRES, son, was appointed Executor with Full IAEA without bond and <i>Letters</i> issued on 2/20/2007.</p> <p>Final Inventory & Appraisal filed on 4/112007 shows an estate value of \$618,100.00.</p> <p>Notice of Status Hearing filed 5/20/2010 set a status hearing on 7/6/2010 for failure to file a first account or petition for final distribution. The status hearing had been continued several times for resolution of pending matters in the estate, with the <i>Minute Order</i> dated 1/10/2011 from the last status hearing setting a status hearing on 7/11/2011.</p> <p>Order Confirming Sale of Real Property filed on 7/8/2011 confirmed sale of the estate real property for \$40,000.00.</p> <p>Minute Order dated 7/11/2011 from the continued status hearing states no appearances were made. The Court indicates for the record that Mr. Barrus is the attorney of record. The Court orders that no one other than Mr. Barrus is to file any documents on behalf of Mr. Torres. The Court sets the matter for an Order to Show Cause on 8/22/2011 and orders John Barrus and Jesus Torres to be present at that hearing.</p> <p>Minute Order dated 8/22/2011 from the Order to Show Cause states counsel requests a continuance. Counsel advises the Court that he will continue to assist Mr. Torres. Matter continued to 11/22/2011 for status hearing.</p> <p>Minute Order dated 11/22/2011 [Judge Hamlin] states John Barrus appears by CourtCall. Continued at the request of Mr. Barrus. Matter set on 2/7/2012 for filing of the first account.</p> <p>Minute Order dated 2/7/2012 states counsel requests a continuance. Matter continued to 5/7/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/7/2012.</u> <i>Minute Order</i> states counsel advises the Court that the IRS lost the paperwork. Matter continued to 7/9/2012.</p> <p>1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).</p>
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Reviewed by: LEG
Reviewed on: 7/3/12
Updates:
Recommendation:
File 13 - Arteaga

DOD: 06/28/10		MARLEEN MAFFEO , surviving spouse, was appointed as Administrator on 10/13/10 and Letters were issued on 11/09/10.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		The beneficiaries of the estate are Petitioner and her minor son and daughter.	Note: The Court may wish to continue this matter to 07/18/12 to coincide with the Petitions for Guardianship of the Estate.
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<input checked="" type="checkbox"/>	Verified	At a hearing on 05/21/12, the First and Final Report of Status of Administration and Account; for Allowance of Statutory Attorneys' Compensation; and for Reimbursement of Costs Advanced was granted, in part, with the Court not approving the Final Distribution as requested. The Court continued the matter to 07/09/12 to provide counsel an opportunity to establish a guardianship on behalf of the minor beneficiaries.	
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Reviewed by: JF			
Reviewed on: 07/02/12			
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Recommendation:			
File 14 - Maffeo			

Atty Kesterson, Kenneth Kern (pro per – maternal great-grandfather/Guardian)

Atty Kesterson, Carolyn Ann (pro per – maternal great-grandmother/Guardian)

Atty Lirette, Nathan (pro per – father)

Further Status Conference

Lily, 6 DOB: 12/22/05	KENNETH KESTERSON and CAROLYN KESTERSON, maternal great-grandparents, were appointed guardians on 7/12/10.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 01/31/12</u> Minute Order from 01/31/12 states: Mikaela Mennucci, mother, is working during today's hearing. With all due respect, the Court states this case is guided by the Court's timeline, not the therapist's timeline; this Court has jurisdiction and will establish the guidelines. It is ordered that there is to be AT LEAST one more meeting/session between the parties. Visits are to remain in full force and effect as stated previously. The Court asks Mr. Lirette to allow Ms. Griffith to release information to the Court (i.e. until the Court has information from Ms. Griffith, the Court is not inclined to change any orders). No party is to speak ill of any other party or make reference to this proceeding. The Court suggests the guardians seek Medi-Cal or Fresno County mental healthcare options as available for the services of Ms. Griffith. Ms. Griffith states for the record she does not have any conflict with providing services. Lily can remain in counseling as dictated by Ms. Griffith. The Court commends Mr. Lirette for the steps he has taken toward progress, e.g. completing the domestic violence course and working toward substance abuse course completion.
Stone, 2 DOB: 8/15/09		
Cont. from 112911, 013112	Mother: MIKAELA MENNUCCI Father: NATHAN LIRETTE	
Aff.Sub.Wit.	Paternal grandfather: UNKNOWN Paternal grandmother: ELEANOR LIRETTE Maternal grandfather: LAWRENCE MENNUCCI Maternal grandmother: NATALIE KJAR	
Verified	Father, Nathan Lirette, filed a Petition for Visitation on 10/10/10.	
Inventory	Minute order from hearing on 12/06/10 granted visitation to the father, to be agreed upon between the parties and continued the matter to 01/03/11.	
PTC	Minute order from hearing in 01/03/11 ordered supervised visitation to father, Nathan Lirette, and set the matter for a status hearing on 04/06/11.	
Not.Cred.	Minute Order from 04/06/11 hearing extended the father's Visitation and indicates that the court will address the father's request for overnight visitation at the next hearing. Status hearing set for 06/28/11.	
Notice of Hrg	Minute order from 06/28/11 hearing discussed Lily's ongoing therapy with Dr. Griffith and Lily's night terrors. The Court ordered Lily to have a full evaluation and to obtain a doctor's opinion regarding any potential detriment with regards to overnight visits. Visitation to remain as previously ordered and the matter was continued to 08/23/11.	
Aff.Mail	Confidential report of Lois K. Griffith, therapist filed 08/17/11.	
Aff.Pub.	Minute Order from Hearing on 08/23/11 states: Also present in the courtroom are: Natalie Kjar and Eleanor Lirette. The Court modifies the visitation order to reflect that father, Nathan Lirette, will have weekend visitation every other weekend from Friday at 2:30 pm to Saturday at 7:30 pm. Father will pick up Lily after school and pick up Stone. The Court further orders that on the weekends the father does not have visitation, he will have a Tuesday visit from 2:30pm to 7:30pm. The Court orders that all parties enroll in and participate in therapy as suggested by Dr. Griffith as set forth in her report. Father and mother are to participate in 12 bi-weekly sessions. The minute ordered also set this status hearing on 11/29/11.	
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		Reviewed by: JF
		Reviewed on: 06/29/12
		Updates:
		Recommendation:
		File 15 - Uhrich

Declaration of Kenneth & Carolyn Kesterson filed 01/24/12 states that they would like the current visitation schedule with the children's father, Nathan Lirette, to continue as currently ordered through the school year. The Kestersons state that they will be amenable to daytime visitation during the summer, but request that the overnight visits remain at 1 night as they feel Nathan is too young for two overnights away from home. The Kestersons further report at the children's mother, Mikaela Mennucci has started working and is paying child support, they report that Nathan Lirette is also working, but he has not paid child support. With regard to the Court ordered therapy, the Kestersons state that the two sessions they had with Dr. Griffin did not go well and they believed the father, Nathan Lirette, wanted no further meetings. They state they were shocked to learn that Mr. Lirette had continued seeing Dr. Griffin and recently Dr. Griffin asked them about a combined session with Mr. Lirette and Lily. They state that they have not heard back about this combined session. The Kestersons report that the children are doing well and that Lily was placed in the 1st grade; Stone seems to be adjusting to the visitation with his father, but it has been a slow process.

Court Investigator Dina Calvillo filed a Supplemental Report on 1-27-12.

Court Investigator Dina Calvillo filed a Supplemental Report on 06/21/12.

16 Richard Jason Ramirez, Jordan Matthew Bertuccelli and Nathaniel O. Richter (GUARD/P)

Case No. 11CEPR00338

Atty Morales, Elida (Pro Per – Petitioner – Maternal Great Aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 17 DOB: 10/02/1994		TEMPORARY EXPIRES 07/09/2012	NEEDS/PROBLEMS/COMMENTS:
		ELIDA S. MORALES , maternal great aunt, is Petitioner.	<u>This Petition pertains to Nathaniel Richter only.</u> Petitioner was previously granted guardianship of Richard Ramirez and Jordan Bertuccelli on 08/30/11.
		Father: GALE RICHTER , consents and waives notice	
		Mother: MARIA S. ORTEGA , consents and waives notice	
		Paternal grandfather: DECEASED Paternal grandmother: Eiko Kelley, consents and waives notice	
		Maternal grandfather: Cruz Ortega, served by mail on 05/09/12 Maternal grandmother: Beatrice Saldivar, consents & waives notice	
		Nathaniel O. Richter, ward, signed the Consent to Appointment of Guardian and Waiver of Notice filed 05/07/2012	
		Siblings: Richard Ramirez (14), consents and waives notice	
		Petitioner alleges: Father brought the minor to petitioner because they were not getting along. Mother is currently in rehab. Petitioner states that child has lived with her before. Guardianship is need for medical care and education.	
		Court Investigator Jennifer Young's report filed 07/02/2012.	
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			Reviewed by: LV / KT
			Reviewed on: 07/03/2012
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			File 16 – Ramirez & Bertuccelli

Age:		NATASHA COLLINS , mother, and MELINDA COLLINS , maternal grandmother, are petitioners. ADRIANNE MOUTON , maternal aunt, was appointed as guardian on 7/25/11. Father: PATRICK BURNS Paternal grandfather: not listed Paternal grandmother: not listed Maternal grandfather: not listed	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Patrick Burns (father) b. Paternal grandparents c. Maternal grandfather For Objector: 1. Objections are not verified. Probate Code §1021. Court Investigator Jennifer Daniel to provide: 1. Court Investigator Report	
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Petitioner states that Adrienne's temporary guardianship was ended on December 31, 2011. She does not want to allow the maternal family to have visits with the child. Guardian has lied about everything to the court. Objections to Petition to Terminate the Guardianship filed by Guardian Adrienne Mouton on 7/2/12. Guardian states she filed for guardianship of the minor at the request of Tulare County Child Welfare Services. Mother has a long history of drug addiction (over 10 years). Objector states she has denied unsupervised visits to the mother. Mother has only visited the minor 3 times since the guardianship was established. The minor is in a stable and safe environment. He is being treated for speech delays as well as cognitive problems. That may be a result of his drug exposure. He has been seeing a developmental psychologist. He is also scheduled to undergo genetic testing for fetal alcohol effects. Objector states she has been working with several people to make sure the minor is healthy and progressing as he should.				
Reviewed by: KT				
Reviewed on: 7/3/12				
Updates:				
Recommendation:				
File 17 - Collins				

Atty Moore, Marylou (for Petitioner/maternal grandmother Marylou Moore)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Harlee age: 5 years DOB: 10/20/2006		TEMPORARY EXPIRES 7/9/12. MARYLOU MOORE , maternal grandmother, is petitioner. Father: ALAN DECAMBRA – personally served on 3/23/12 and on 5/21/12. Mother: HEATHER VAN PATTEN – Personally served on 5/21/12. Paternal grandfather: Robert DeCambra – served on 4/19/12 Paternal grandmother: Pam DeCambra – served on 4/19/12 Maternal grandfather: Ricky Moore – served on 4/19/12. Petitioner states there is domestic abuse, drug use and mom abandoning the children. Mom broke the restraining order to choose her boyfriend over her kids. Declaration in Support filed by Petitioner Marylou Moore on 6/29/12. Declaration shows pictures and an e-mail allegedly written by the mother documenting the domestic violence. Declaration also includes e-mails allegedly from the mother indicating her disapproval of the petitioner's attempt to become the guardian of the minors. Court Investigator Julie Negrete's Report filed on 5/11/12. Court Investigator Julie Negrete's Supplemental Report filed on 6/20/12	NEEDS/PROBLEMS/COMMENTS: Continued from 5/21/12. Minute order states the Court orders the Court Investigator Julie Negrete to contact the mother Heather Van Patten regarding allegations of drug use and domestic violence.
Gerald age: 2 years DOB: 2/27/2010			
Cont. from 052112			
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Reviewed by: KT
Reviewed on: 7/2/12
Updates:
Recommendation:
File 18 - DeCambra

**20 Adrian Rivera, Adriana Rivera, Francisco Rivera, Araceli Rivera,
Adolfo Rivera, and Anthony Rivera (GUARD/P) Case No. 12CEPR00571**

Atty Larios, Lidia (pro per – non-relative/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

<table border="1"> <tr><td>Adrian, 10 DOB: 10/26/01</td></tr> <tr><td>Adriana, 9 DOB: 12/16/02</td></tr> <tr><td>Francisco, 8 DOB: 12/04/03</td></tr> <tr><td>Araceli, 5 DOB: 01/23/07</td></tr> <tr><td>Adolfo, 4 DOB: 10/31/08</td></tr> <tr><td>Anthony, 2 DOB: 02/19/10</td></tr> <tr><td>Cont. from</td></tr> <tr><td>Aff.Sub.Wit.</td></tr> <tr><td>✓ Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td>Notice of Hrg x</td></tr> <tr><td>Aff.Mail</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td>Pers.Serv. x</td></tr> <tr><td>✓ Conf. Screen</td></tr> <tr><td>✓ Letters</td></tr> <tr><td>✓ Duties/Supp</td></tr> <tr><td>Objections</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td>✓ Order</td></tr> <tr><td>Aff. Posting</td></tr> <tr><td>Status Rpt</td></tr> <tr><td>✓ UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Adrian, 10 DOB: 10/26/01	Adriana, 9 DOB: 12/16/02	Francisco, 8 DOB: 12/04/03	Araceli, 5 DOB: 01/23/07	Adolfo, 4 DOB: 10/31/08	Anthony, 2 DOB: 02/19/10	Cont. from	Aff.Sub.Wit.	✓ Verified	Inventory	PTC	Not.Cred.	Notice of Hrg x	Aff.Mail	Aff.Pub.	Sp.Ntc.	Pers.Serv. x	✓ Conf. Screen	✓ Letters	✓ Duties/Supp	Objections	Video Receipt	CI Report	9202	✓ Order	Aff. Posting	Status Rpt	✓ UCCJEA	Citation	FTB Notice	<p align="center"><u>GENERAL HEARING 08/27/12</u></p> <p>LIDIA LARIOS, family friend, is Petitioner.</p> <p>Father (all): UNKNOWN</p> <p>Mother: ANGIE VALDOVINOS – <i>consent and waiver of notice filed 06/25/12</i></p> <p>Paternal grandparents (all): UNKNOWN</p> <p>Maternal grandfather: UNKNOWN Maternal grandmother: ROSA CERVANTES</p> <p>Petitioner states that she has known the mother for approximately 16 years as she was friends with Petitioner's daughter. Petitioner states that she has often cared for the children when the mother was out working or partying. The mother left the children in her care claiming to go to Washington for work and Petitioner does not know when or if she will return. Petitioner states that all of the children's fathers are unknown. Petitioner states that the mother is unstable and not able to provide an adequate home for the children, at times they were living in a home with no electricity or utilities. Petitioner states that the children are in need of medical attention and temporary guardianship is necessary so that she can apply for medi-cal and food stamps because the mother is not providing for any of the children's needs.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - fathers (unknown) <table border="1"> <tr><td>Reviewed by: JF</td></tr> <tr><td>Reviewed on: 07/03/12</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 20 - Rivera</td></tr> </table>	Reviewed by: JF	Reviewed on: 07/03/12	Updates:	Recommendation:	File 20 - Rivera
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